



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ROBERT G. LUNA, SHERIFF



April 7, 2023

Tracy Jordan, Principal Staff Analyst
Sheriff Civilian Oversight Commission
World Trade Center
350 South Figueroa Street, Suite 288
Los Angeles, California 90071

Dear Ms. Jordan:

**RESPONSE TO THE SHERIFF CIVILIAN OVERSIGHT COMMISSION'S (COC)
REQUEST FOR POLICY AND/OR INFORMATION REGARDING
THE USE OF TASERS**

This correspondence is in response to the Commission's March 15, 2023, request for information related to the Los Angeles County Sheriff's Department's (LASD) use of the TASER conducted energy weapon (CEW). Please find the summarized response below:

1. Provide LASD taser policies, protocol, procedures, and guidelines.

Field Operations and Custody Operations have separate policies related to the use of the TASER. Please refer to the attachments "Electronic Immobilization Device (TASER) Procedures," Manual of Policy and Procedures (MPP) 5-06/040.95 for Field Operations and "Electronic Immobilization Device (TASER) Procedures," Custody Division Manual (CDM) 7-08/030.00 for Custody Operations.

In addition to the policies above, Custody Operations updated its procedures regarding the use of the TASER in Custody Operations Directive 22-005, "Updated Procedures for the Use of the Conducted Energy Weapon." The directive is attached for your review. It should be noted revisions to the MPP sections as they relate to the use of CEWs are currently under review by the Department of Justice (DOJ) monitors. We anticipate changes to the policies submitted with this letter.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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2. Describe each type of taser device/technology that LASD currently uses.

LASD currently uses three models of the TASER. The three models are the X26, X26P, and TASER 7. TASER CEWs are designed to temporarily incapacitate a subject from a safer distance rather than other force options such as physically engaging with the individual which has the potential for greater injury to both parties.

All of these TASER CEW devices have the capability to be used in probe-mode. When used in this capacity the TASER is loaded with a cartridge(s) that fires two small dart-like electrodes, which stay connected to the device via thin insulated copper wires. The probes are propelled forward by compressed nitrogen gas. Once contact is made with the subject, electrical energy is delivered to affect the sensory and motor functions of the nervous system. The high voltage, low amperage electrical charge is designed to overstimulate the motor-nerves, causing uncontrollable muscle contractions and reduced ability to perform voluntary movements.

The TASERs can also be used in drive-stun mode. In this mode, the face of the device is placed directly against the subject's body and electrical energy is delivered, via electrodes with or without a cartridge loaded.

3. Describe the volts, cycles, and other patterns available for adjustment at the discretion of LASD employees during the use of taser either in accordance with or in violation of policy.

Below is a brief description of the three models of TASER CEWs currently in use.

X26:

The X26 produces up to 50,000 volts; however, the electrical energy entering the body is less than 2,000 volts. The high voltage is necessary to allow the electricity to arc through clothing across air gaps (up to two inches) to make contact with the subject's body and complete an electrical circuit.

The X26 is programmed with a five second discharge with each pull of the trigger. However, the device has the capability to deliver a less than five second cycle if the operator places the device into safe mode. Conversely,

the operator can manually override the five second cycle by continuing to depress the device's trigger.

The battery life on an X26 provides for up to 200 cycles and has the ability to hold an extra cartridge facing down. The X26 delivers 19 pulses per second (PPS) of electrical energy. This model has an effective range between 7 to 15 feet.

X26P:

The X26P produces up to 50,000 volts of electrical energy similar to the X26. The X26P has an improved battery life at approximately 500 cycles. The X26P has a safety switch which when pushed down will stop a discharge. Holding the trigger of the X26P continuously beyond the five second cycle will continue the electrical discharge until the trigger is released.

The X26P has two field use cartridges available which have the capability to contact a target at 21 and 25-foot distances. Once a cartridge from an X26P is deployed, the operator can re-energize the cartridge by pulling the trigger. Any additional trigger pulls during the five second cycle will not extend the cycle unless the trigger is held back. The X26P will also deliver 19 PPS of energy. The X26P holds an extra cartridge forward facing, which is more beneficial than the X26 as it aids in safer reloading and protects the doors of the cartridge from damage which may cause malfunctions.

TASER 7:

The TASER 7 delivers a similar electrical charge of 50,000 volts as models TASER X26/X26P, but at a 20 percent faster rate causing more rapid neuromuscular incapacitation (NMI). Electricity is intentionally driven between all contacts to maximize the effectiveness of the probe deployment and to help compensate for close probe spreads or clothing disconnects. Upgraded spiral darts fly straighter and faster with nearly double the kinetic energy to compress loose clothing.

The TASER 7 has two cartridge bays prepared to deploy one after another, whereas the TASER X26/X26P has only a single cartridge bay. This gives officers a second attempt at immobilizing a subject, without having to reload a cartridge.

The TASER 7 cartridges are available in 3.5-degree and 12-degree configurations to provide user options for range and probe spread. Because of this, the Taser 7 is effective up to 22 feet. When a TASER 7 cartridge is employed, it will deliver up to 22 PPS through a good or arcing connection. Employing a second cartridge reactivates the first cartridge and will distribute pulses between connected probes up to 44 PPS.

The TASER 7 has a single trigger pull that discharges an electrical charge for a five second cycle. There is also a safety switch which when pushed down, will stop a discharge. Unlike the TASER X26/X26P, holding the trigger continuously beyond the five second cycle will not continue the electrical discharge until the trigger is released (programmed with the Auto Shutdown configuration). When TASER 7 is configured for Automatic Shutdown, the cycle will stop at five seconds even if the trigger is depressed continuously. A second trigger pull will discharge the live cartridge from the second bay.

The TASER 7 also contains technology which can remotely activate the operator's body-worn camera when the safety switch of the device is pushed up. This provides redundant technology to document the course of events involving the Taser 7.

The TASER 7 has enhanced metrics which detail the success of its connection during deployment in addition to providing information on actual energy delivery during the connection. This technology did not exist in prior TASER models.

Department members are trained to assess the effectiveness of the device prior to re-energizing the deployed cartridge and to consider transitioning to another force option if the TASER CEW appears ineffective.

In accordance with Department policy TASER CEWs may be used to de-escalate dangerous situations. Personnel may in some situations, but are not required to, display the electrical arc to the subject to gain compliance negating a potential use of force. Like the use of any other force option, the employment of the TASER and any subsequent cycles must fall within the objectively reasonable standard (*Graham v. Connor*, 490 U.S. 386, 396 (1989)). Department members are trained to assess the effectiveness of the device and must be cognizant of the need to transition to other force options, if feasible, to bring a situation safely and effectively under control.

TASER 10:

The TASER 10 is the latest CEW platform produced by AXON. It is important to note the TASER 10 has not been approved for deployment within the Department; however, it is the Department's intent to conduct a test and evaluation of the device in the near future.

One of the key differences between the TASER 10 and previous models is its capability to individually employ a single probe to a specific target area. Following the employment of the initial probe, the TASER operator can employ another probe to a specific target area to maximize the possibility of achieving NMI.

The TASER 10 cartridge contains 10 probes which allows the operator more opportunities to achieve NMI in order to bring dangerous situations safely under control. The TASER 10 also has technology which evaluates the quality of the probes' connection during use and will select up to four of the energized probes with the most effective connections. This technology prevents the excess delivery of energy to the subject, while also maintaining NMI.

The CEWs, currently used by the Department, use cartridges which employ two probes simultaneously. The distance between the probes when they impact a subject is dependent on the type of cartridge used along with the distance from the front of the CEW to the subject. If the distance between the probes upon impact is too small, the likelihood of achieving NMI is reduced, which may lead to prolonging the situation. The same can be said when one of the probes misses the subject or fails to penetrate the subject's clothing and/or contact the skin. With the TASER 10, the operator can control the distance of the probe spread and can immediately discharge another probe if one misses, fails to penetrate clothing, and/or contact the skin.

Another key difference with the TASER 10 is its extended range to 45 feet, which is a significant improvement from the 25 foot range of the current CEWs. The greater effective range will afford Department personnel more time and standoff distance in which they resolve dangerous situations through de-escalation or direct intervention with the CEW.

As with the TASER 7, the TASER 10 contains the same Signal technology to remotely activate a body-worn camera as well as create advanced metrics regarding successful connections.

Finally, the TASER 10 has a reduced voltage of approximately 1,000 volts compared to the 50,000 volts with the current CEWs. The reduced voltage and change in physical design eliminate the ability to use the device in drive-stun mode.

If the TASER 10 is approved, and funded for Department-wide deployment, each Department member will attend an eight-hour course of instruction on the new device.

Important TASER data such as the time the device was taken off-safe, trigger pulled, number of cycles, lengths of each cycle, and placed on-safe will be uploaded and stored in the Department's digital evidence management system, known as Evidence.com. Additional TASER data, such as various graphs, connectivity information, and device maintenance will be viewable as well. The Los Angeles County Office of Inspector General will be able to view all TASER data with their access to Evidence.com.

4. Provide data on the use of tasers by station and operation from 1/1/2018 to present.

See the following tables.

CUSTODY SERVICES DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Century Regional Detention Facility	5
Inmate Reception Center	12
Men's Central Jail	91
North County Correctional Facility	49
Pitchess Detention Center - North Facility	12
Pitchess Detention Center – South Facility	2
Twin Towers Correctional Facility	29
TOTAL	200

COUNTYWIDE SERVICES DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Community College Bureau	2
Community Partnership Bureau	3
County Services Bureau	22
Parks Bureau	5
TOTAL	32
COURT SERVICES DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Civil Management Bureau	3
Court Services Central Bureau	3
Court Services East Bureau	3
Court Services West Bureau	5
TOTAL	14

DETECTIVE DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Human Trafficking Bureau	1
Narcotics Bureau	1
Operation Safe Streets Bureau	14
TOTAL	16

SPECIAL OPERATIONS DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Metrolink Bureau	2
Special Enforcement Bureau	2
Transit Services Bureau	22
TOTAL	26

NORTH PATROL DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Lancaster Station	217
Malibu/Lost Hills Station	22
Palmdale Station	103
Santa Clarita Valley Station	40
West Hollywood Station	38
TOTAL	420

SOUTH PATROL DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Cerritos Station	7
Carson Station	30
Lakewood Station	116
Lomita Station	17
Norwalk Station	84
Pico Rivera Station	40
TOTAL	287

EAST PATROL DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Altadena Station	15
Crescenta Valley Station	3
Industry Station	68
San Dimas Station	23
Temple Station	43
Walnut/Diamond Bar Station	22
TOTAL	174

CENTRAL PATROL DIVISION (FORCE INCIDENTS WITH THE USE OF A TASER FROM 01/01/18 THROUGH 3/21/23)	
UNIT	NUMBER OF INCIDENTS
Avalon Station	1
Century Station	75
Compton Station	49
East Los Angeles Station	71
Marina del Rey	9
South Los Angeles Station	22
TOTAL	227

NOTE: This information was obtained from the Risk Management Bureau's Discovery Unit. Even though the report for this chart was tabulated by using the incident date through 03/21/23, the use of a taser is entered at the very end of the review process and the completion of the data entry. Therefore, any use of force investigations which hasn't been completely reviewed and entered into the Performance and Recording and Monitoring System, are not included in this calculation.

5. *Provide non-confidential data on tracking and complaints related to use of tasers from 1/1/2018 to present that includes, but is not limited to:*

- a. Demographics of the tasered person and the employee using the taser*
- b. Station and/or operation involved in the use of taser associated with the complaint*
- c. Outcome of the complaint investigation*

See the following tables.

CUSTODY SERVICES DIVISION (INMATE GRIEVANCES RELATED TO THE USE OF THE TASER FROM 01/01/2018 TO 03/21/2023)			
UNIT	PERSON TASED - SEX AND RACE	PERSON USING TASER - SEX AND RACE	OUTCOME OF COMPLAINT
CRDF	Male - Black	Female - Hispanic	Employee Conduct Was Reasonable
MCJ	Male - Hispanic	Male - Hispanic	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
		Male - White	Employee Conduct Was Reasonable
MCJ	Male - Black	Male - Hispanic	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
		Male - White	Employee Conduct Was Reasonable
		Male - White	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
MCJ	Male - Black	Male - Hispanic	Employee Conduct Was Reasonable

		Male - Hispanic	Employee Conduct Was Reasonable
		Male - White	Employee Conduct Was Reasonable
		Male - White	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable
		Male - Hispanic	Employee Conduct Was Reasonable

*NOTE: This information was gathered by searching for CARTS complaints from 01/01/2018 through 03/21/2023 using *tase* and *taze* as terms in the Synopsis of Event section.*

PATROL DIVISION (COMPLAINTS RELATED TO THE USE OF THE TASER FROM 01/01/2018 TO 03/21/2023)			
UNIT	PERSON TASED - SEX AND RACE	PERSON USING TASER - SEX AND RACE	OUTCOME OF COMPLAINT
Compton Station	Male - Black	Male - Hispanic	Conduct was Reasonable
		Male - Hispanic	Conduct was Reasonable
Lancaster Station	Male - White	Male - Hispanic	Conduct was Reasonable
Lancaster Station	Male - Black	Male - Hispanic	N/A - Not part of complaint
		Male - Hispanic	N/A - Not part of complaint
		Male - Hispanic	Conduct was Reasonable
Lancaster Station	Male - Black	Male - White	Conduct was Reasonable
Lancaster Station	Female - White	Female - White	Conduct was Reasonable
Lancaster Station	Male - White	Male - Hispanic	Conduct Should Have Been Different
Norwalk Station	Male - Hispanic	Male - Hispanic	Conduct was Reasonable
Palmdale Station	Male - Hispanic	Male - White	Conduct was Reasonable


Palmdale Station	Male – Hispanic	Male – White	N/A – Not part of complaint
Palmdale Station	Male – White	Male – White	Conduct was Reasonable
Palmdale Station	Male – Hispanic	Male – Hispanic	Pending
Palmdale Station	Unknown	Female – White	Pending
Palmdale Station	Unknown	Unknown	Pending
San Dimas Station	Male – Hispanic	Male - Hispanic	Conduct Could Have Been Better

*NOTE: This information was gathered by searching for Service Comment Report complaints from 01/01/2018 through 03/31/2023 using *tase* and *taze* as terms in the Synopsis of Event section.*

6. Detail other less than lethal uses of force tools that are to be used prior to taser use.

LASD personnel are trained to employ force which is objectively reasonable in light of the totality of the circumstances known by the officer at the time of the force. Each employment of force, including the use of the TASER, is weighed against the objectively reasonable standard. As such, the LASD does not require its personnel to use other less-lethal options prior to the employment of the TASER.

7. Identify an LASD subject matter expert on the use of the taser (provide their name and contact information).

Sergeant Michael J. Mabee #513428
Custody Training and Standards Bureau
4700 Ramona Blvd., Ste. 336
Monterey Park, CA 91754


8. Explain any obstacles LASD has identified, and efforts taken to address the obstacles with the use of tasers.

The LASD has not identified any systematic obstacles associated with the use of the TASER.

9. Provide the curriculum for the Department Taser Training Program.

The LASD provides TASER training to both the end-users and instructors. Please refer to the attached lesson plans for further information.

Should you have any questions concerning this matter, please do not hesitate to contact Custody Training and Standards Bureau Captain Thomas G. Looney at [REDACTED].

Sincerely,

A handwritten signature in blue ink that reads "R. Luna". The signature is fluid and cursive, with the first name "R." and the last name "Luna" clearly visible.

ROBERT G. LUNA
SHERIFF

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COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

Improving Public Transparency and Accountability

World Trade Center, 350 South Figueroa St., Ste 288, Los Angeles, CA 90071
(213) 253-5678 ▪ coc.lacounty.gov ▪ cocnotify@coc.lacounty.gov

March 15, 2023

To: Lieutenant Eric S. Lasko, Acting Captain
Los Angeles County Sheriff Department
Audit and Accountability Bureau (AAB)

From: Tracy Jordan, Principal Staff Analyst
Sheriff Civilian Oversight Commission

REQUEST FOR POLICY AND/OR INFORMATION: USE OF TASERS

The Los Angeles County Sheriff Civilian Oversight Commission (Commission) is concerned about recent media accounts of law enforcement agencies' use of tasers across the nation. Some situations where tasers have been used have resulted in injury or death. The Los Angeles County Sheriff's Department (LASD) is equipped with tasers, which is why the Commission would like to review LASD's taser policies.

The Commission requests that LASD provide a written summary on letterhead addressing the following:

1. Provide LASD taser policies, protocol, procedures and guidelines;
2. Describe each type of taser device/technology that LASD currently uses;
3. Describe the volts, cycles, and other patterns available for adjustment at the discretion of LASD employees during the use of taser either in accordance with or in violation of policy;
4. Provide data on the use of tasers by station and operation from 1/1/2018 to present;
5. Provide non-confidential data on tracking and complaints related to use of tasers from 1/1/2018 to present that includes, but is not limited to:
 - a. Demographics of the tasered person and the employee using the taser
 - b. Station and/or operation involved in the use of taser associated with the complaint
 - c. Outcome of the compliant investigation
6. Detail other less than lethal uses of force tools that are to be used prior to taser use;
7. Identify an LASD subject matter expert on the use of taser (provide their name and contact information);
8. Explain any obstacles LASD has identified, and efforts taken to address the obstacles with the use of tasers; and
9. Provide the curriculum for the Department Taser Training Program.

REASON FOR REQUEST:

Fulfillment of this request will enable the Commission and the public to better understand LASD's use of tasers. The Commission's ad hoc on technology is working to create a report on this issue.

WHEN SPECIFIC INFORMATION IS NEEDED:

Please provide a response to the above request by **no later than March 27, 2023**.

CONTACT PERSON:

Please contact Tracy Jordan at [REDACTED] should you have any questions regarding this request, and carbon copy (cc) Nune Petrosyan at [REDACTED].

DBV:tj



COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

Improving Public Transparency and Accountability

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March 22, 2023

To: Lieutenant Eric S. Lasko, Acting Captain
Los Angeles County Sheriff Department
Audit and Accountability Bureau

From: Tracy Jordan, Principal Staff Analyst
Sheriff Civilian Oversight Commission

REQUEST FOR POLICY AND/OR INFORMATION ON THE USE OF TASERS:

To further the mission of the Civilian Oversight Commission (Commission), the Commission requests that a Los Angeles County Sheriff's Department (LASD) subject matter expert (SME) on the use of tasers participate in the Commission meeting on April 20, 2023, from 9:00 a.m. – 1:00 p.m. The meeting will be held in person at St. Anne's Conference Center located at 155 N. Occidental Blvd., Los Angeles, CA 90026. The SME will be given a maximum of 5 minutes to present and should be prepared to discuss the following:

1. LASD's taser policies, protocol, procedures, and guidelines;
2. Each type of taser device/technology that LASD currently uses;
3. The volts, cycles, and other patterns available for adjustment at the discretion of LASD employees during taser use;
4. Data on the use of tasers by station and operation from 1/1/2018 to present;
5. Non-confidential data on complaints related to the use of tasers from 1/1/2018 to present that includes, but is not limited to:
 - a. Demographics of the tasered person and the employee using the taser;
 - b. Station or operation involved in the use of taser associated with the complaint; and
 - c. Outcome of the complaint investigation.
6. Other less than lethal devices/tools that should be exhausted prior to taser use;
7. Any obstacles with the use of tasers that LASD has identified, and efforts taken to address the obstacles; and
8. The curriculum for the Department Taser Training Program and percentage of deputies who have completed the program.

REASON FOR REQUEST:

Fulfillment of this request will enable the Commission and the public to better understand LASD's use of tasers.

WHEN SPECIFIC INFORMATION IS NEEDED:

Please provide the name and contact information for LASD's SME on the Use of Tasers, who will present at the Commission meeting, by no later than **April 6, 2023**.

CONTACT PERSON:

Please contact Tracy Jordan at [REDACTED] should you have any questions regarding this request and carbon copy (cc) Nune Petrosyan at [REDACTED].

5-06/040.95 - Electronic Immobilization Device (TASER) Procedures

The TASER is a less lethal hand held electronic immobilization device used for controlling assaultive/high risk persons. The purpose of this device is to facilitate a safe and effective response in order to minimize injury to suspects and deputies.

Use of the Electronic Immobilization Device (TASER)

The following policy guidelines shall be adhered to:

- Only a Department-approved TASER shall be utilized by personnel;
- A TASER shall be issued to and used only by those personnel who have completed the Department's TASER Training Program;
- Personnel authorized to carry a TASER on duty, may purchase a Department-approved TASER for on and off duty use;
- Personnel authorized to carry a TASER and issued or using a personal TASER, shall carry the TASER on their person, in a Department-approved TASER holster, as specified in the Department-approved TASER Training Program;
- Prior to the use of the TASER, whenever practical, Department personnel shall request a supervisor;
- Any individual subjected to an application of the TASER, in either the "probe" or the "touch/drive stun" mode, shall be taken to a medical facility prior to booking, for appropriate medical treatment and/or removal of the probes; and
- Application of the TASER shall be discontinued once the suspect does not pose an immediate threat to themselves, Department personnel or the public.

Except in emergent circumstances, the TASER should not be applied to the following or used in any other situation where there is a reasonably foreseeable likelihood of severe injury or death. In the extraordinary instance that Department personnel feel compelled to utilize the TASER in the following circumstances, the conduct of the involved personnel shall be evaluated in accordance to the Use of Force policy with sound tactical principles.

- Handcuffed persons;
- Persons detained in a police vehicle;
- Persons detained in any booking or holding cell;
- Persons in control of a motor vehicle;
- Persons in danger of falling or becoming entangled in machinery or heavy equipment which could result in death or serious bodily injury;
- Persons near flammable or combustible fumes;
- Persons near any body of water that may present a drowning risk; and
- Persons known to have a pacemaker or known to be pregnant.

The Custody Division Manual may define criteria for a unique application of the TASER within a custodial setting.

Verbal Warning

Unless it would compromise officer safety or is impractical due to circumstances, a verbal warning of the intended use of the TASER shall precede the activation of the device in order to:

- Provide the individual with a reasonable opportunity to voluntarily comply; and
- Provide other sworn personnel and individuals with a warning that a TASER may be activated.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

Authorized Department personnel discharging a TASER shall request the response of a supervisor if not already en route or on-scene.

Reporting the Use of the Electronic Immobilization Device (TASER)

The use of the TASER, either by utilizing the probes or the touch/drive stun mode, shall be reported as a "significant" use of force as defined in the Department Manual of Policy and Procedures, section 3-10/100.00, "Use of Force Reporting and Review Procedures."

Whenever a use of a TASER requires force reporting, a download of the TASER stored data and video shall be conducted and submitted with the force package.

Personally Owned Electronic Immobilization Devices (TASER)

Authorized Department personnel shall only carry Department authorized Electronic Immobilization Devices (TASER) whether on or off-duty.

Personally owned TASERs shall be available for computer download upon the request of a supervisor. The device shall meet the specification of the Weapons Training Center, and shall only be used in accordance with this section.

Department personnel shall record all personally owned Department-authorized TASERs (carried on-duty and off-duty) with Personnel Administration when the devices are purchased or obtained, sold or disposed of, stolen or lost.

Revised: 1/15/2016

7-08/030.00 Electronic Immobilization Device (TASER) Procedures

The TASER is a less lethal hand held electronic immobilization device used for controlling assaultive/high risk persons.

The purpose of the TASER is to facilitate a safe and effective response to situations which jeopardize the life and safety of personnel, inmates, the public, and/or the security and operations of custody facilities.

The TASER can be deployed on a routine basis with prior approval from the unit commander. If a TASER has been deployed, the sworn personnel issued the TASER shall be authorized to use it in compliance with the Department's use of force policies and training.

Deputies shall carry the TASER on their support side (opposite duty firearm) in a holster. The weak side draw or cross draw methods are both acceptable.

All sworn personnel utilizing this weapon must do so when fully justified, and in conformance with:

- Department Manual of Policy and Procedures (MPP) section, 5-06/040.95 "Electronic Immobilization Device (TASER) Procedures"
- Sworn personnel will be considered qualified to use the weapon only after attending, and successfully completing, the Department's TASER training program presented under the direction of the Custody Training and Standards Bureau (CTSB)
- **Custody assistants working in a Custody Services Division facility are not authorized to utilize TASERS. This also applies to custody assistants who may have completed the Department's TASER training program for use within other divisions of the Department**
- Custody assistants who have completed the Department's TASER training program and are assigned to work in a Court Services Division lock-up or assigned as Patrol Operations station jailers may utilize TASERS in conformance with MPP section 5-06/040.95, "Electronic Immobilization Device (TASER) Procedures", all applicable Patrol Division Orders, and Court Services Division Manual section 1-04/030.00, "Conducted Electrical Weapon (C.E.W.)"
- Departmentally approved TASERS may be purchased by sworn personnel
- Personally owned TASERS may be carried only after the approval of their unit commander, inspection by CTSB, and successful completion of the Department's TASER training program
 - Personally owned TASERS shall be numerically identifiable and available for computer download upon the request of a supervisor or during regular download intervals as defined in CDM section 7-08/030.05, "TASER Download Procedures"

In addition to the above procedures, sworn personnel utilizing this weapon in a Custody Services Division facility shall abide by the following:

- At the beginning of every shift, deputies assigned to the TASER should remove the cartridge and display the electrical arc of the device in order to test the function of the TASER. This test shall be done out of the sight of inmates and in a safe manner. The result (ex: Taser tested successfully by Dep. Smith (#601010) at 0611 hours in the staff station.) shall be logged in the e-UDAL/UDAL in the "Additional Information" section
 - Any additional discharges of the TASER shall also be logged in the e-UDAL/UDAL along with the

reason for the discharge (ex: Taser successfully tested by Dep. Smith (#601010) at 1114 hours in the staff station re: new battery)

- If time and circumstances allow, deputies shall give a verbal warning prior to using the TASER on an inmate. Warnings shall be made in accordance with MPP section 5-06/040.95, "Electronic Immobilization Device (TASER) Procedures" under "Verbal Warning"
- If a verbal warning to the inmate does not result in compliance, or the situation escalates (and time and circumstances allow), deputies may, but are not required to, remove the cartridge from the front of the TASER and display the electrical arc in view of the inmate, in an effort to gain voluntary compliance. If the TASER is utilized in the above manner, and the TASER is not subsequently applied to the inmate, the operator shall verbally notify their immediate supervisor of the permanent rank of sergeant (or higher)
 - If the supervisor determines that verbal warnings or the displaying of the electrical arc resulted in a prevented use of force, this shall be documented per CDM section 7-01/010.05, "Reporting Prevented Uses of Force"
- In any incident involving a crime report, including any in-custody death associated with the use of a TASER, the used TASER cartridges, wiring, and probes (after removal of the probes by medical personnel) shall be retained and booked as evidence

Any individual subjected to an application of the TASER, in either the "probe" or the "touch/drive stun" mode, shall be taken to a medical facility, for assessment, appropriate medical treatment and/or removal of the probes.

Per MPP section 5-06/040.95, "Electronic Immobilization Device (TASER) Procedures," except in emergent circumstances, the TASER should not be applied to the following or used in any other situation where there is a reasonably foreseeable likelihood of severe injury or death. In the extraordinary instance that Department personnel feel compelled to utilize the TASER in the following circumstances, the conduct of the involved personnel shall be evaluated in accordance to the Use of Force policy with sound tactical principles.

- Handcuffed persons
- Persons detained in a police vehicle
- Persons detained in any booking or holding cell
- Persons in control of a motor vehicle
- Persons in danger of falling or becoming entangled in machinery or heavy equipment which could result in death or serious bodily injury
- Persons near flammable or combustible fumes
- Persons near any body of water that may present a drowning risk
- Persons known to have a pacemaker or known to be pregnant

TASERs shall not be used against inmates in the following situations:

- When an inmate is only resistive, and no longer assaultive or a danger to others
- When custody personnel have specific knowledge that the inmate is known to suffer from medical conditions that may be aggravated or affected by such device
- In a manner that contradicts the manufacturer's recommendations or Department training. Department provided TASER training shall govern in the case of a conflict between Department training and manufacturer's recommendations.

When time and circumstances permit, an inmate's medical records should be checked before a TASER is used against the inmate. A TASER should not be used if it is contra-indicated in the inmate's medical records unless it is necessary to prevent imminent loss of life or serious bodily injury.

Revised: 9/29/2016

22-005 Updated Procedures for the Use of the Conducted Energy Weapon (CEW)

Los Angeles County Sheriff's Department CUSTODY OPERATIONS DIRECTIVE Custody Support Services



CUSTODY DIRECTIVE: 22-005

DATE: May 18, 2022

ISSUED FOR: CUSTODY OPERATIONS

UPDATED PROCEDURES FOR THE USE OF THE CONDUCTED ENERGY WEAPON (CEW)

PURPOSE

The purpose of this Custody Operations Directive (COD) is to update Custody Services Division use of force procedures delineated in Custody Division Manual (CDM) section 7-08/030.00, "Electronic Immobilization Device (TASER) Procedures," pertaining to use of the Conducted Energy Weapon (CEW), previously referred to as the electronic immobilization device (TASER).

Department personnel assigned to and/or working in any Custody Services Division facility, Sheriff's Department station jail, or Court Services Division courthouse lock-up shall adhere to the procedures below.

ORDER

CEWs are designed to temporarily incapacitate a subject from a safer distance than other force options, while reducing the likelihood of death or serious injury. Any use of force, however, including the use of a CEW, involves risks that a subject may be injured or die due to the effects of the CEW, physical incapacitation, physical exertion, unforeseen circumstances, or individual susceptibilities.

As with all use of force, a Department member's activation of a CEW against a person must be objectively reasonable. The CEW shall only be used to facilitate a safe and effective response to situations which jeopardize the safety of personnel, inmates, the public, and/or the security and operations of custody facilities, station jails, or courthouse lockup areas.

The CEW shall not be used in a manner that contradicts the manufacturer's recommendations or Department training.

When time and circumstances permit, the inmate's medical records and mental health records shall be

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checked before a CEW is used against the inmate. A CEW shall not be used if it is contra-indicated in the inmate's medical records unless it is necessary to prevent imminent loss of life or serious bodily injury.

Personnel discharging a CEW in a custody facility shall, when feasible, request the response of a sergeant. Personnel discharging a CEW in a Sheriff's Department station jail or Court Services Division courthouse lock-up shall, when feasible, request the response of a sergeant or designated supervisor.

DEFINITIONS

Conducted Energy Weapon (CEW): A device that uses propelled probes and wires or direct contact to conduct electrical energy to affect the sensory and motor functions of the nervous system.

Probe Mode: Utilizes a combination of processes to propel two probes on wires from a cartridge. The CEW sends a measured electrical charge to the subject via these small wires and probes.

Drive Stun Mode: The front electrodes on the CEW, or the electrodes on an expended cartridge attached to the front of the CEW, are brought into direct contact (bare skin or over clothing) with a subject's body to deliver a localized electrical charge. Drive stun mode by itself may only affect the sensory nerves and may not produce neuromuscular incapacitation as when probe mode or a three-point drive stun are employed.

Three-Point Drive Stun: Using a CEW in drive stun mode, to complete or supplement a closed circuit created by a CEW used in probe mode. When one of the probes has missed the subject, the drive stun mode can be employed to create the second point of contact. When both probes have made contact, the follow-up drive stun allows a third point of contact that can provide a wider separation between contact points thus increasing the effectiveness of the CEW application.

GENERAL GUIDELINES FOR USE

Department members assigned to Custody Services Division facilities, Sheriff's station jails, or Court Services Division courthouse lockups should attempt to de-escalate situations before using a CEW, consistent with CDM section 7-01/010.00, "Force Prevention Principles."

Personnel shall adhere to the below additional requirements and guidance for the use of a CEW:

- Personnel shall only use a Department-approved CEW.
- Personnel must successfully complete the Department's CEW training program presented under the direction of the Custody Training and Standards Bureau (CTSB).
- Personnel are required to maintain current certification for use of a CEW.
- Custody assistants assigned to a Custody Services Division facility may not use a CEW, even if previously trained on the weapon by another division within the Department.
- Custody assistants assigned to either a station jail (Patrol Operations Divisions) or a court lock-up (Court Services Division) may use a CEW as permitted by policies for those divisions.
- Personnel issued or assigned to carry a CEW, shall carry the CEW on their person while on-duty.
- Confusing a handgun with a CEW could result in death or serious injury. Department personnel should not hold both a firearm and a CEW at the same time.

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- Personnel shall carry the CEW in a Department-approved CEW holster on the non-gun side in a manner forcing a cross draw or off-hand draw, as specified in the Department-approved CEW training program.
- Personnel authorized to wear a tactical vest may carry the CEW within the vest, to be worn opposite the side of the firearm.
- The investigating supervisor is responsible for ensuring the information from the CEWs that were used, are downloaded and the download printouts are submitted with the Supervisor's Use of Force Report (SH-AD 438).

PERSONALLY OWNED CEW

Department personnel who purchase a CEW shall only carry Department-authorized CEWs whether on or off-duty. Department personnel shall only use personally owned CEWs in accordance with this COD.

Personnel may carry personally owned CEWs after approval of their unit commander and after inspection by CTSB.

Personally owned CEWs shall be numerically identifiable and available for computer download upon the request of a supervisor or during regular download intervals as defined in CDM section 7-08/030.05, "TASER Download Procedures."

Department personnel shall record all personally owned Department-authorized CEWs (carried on-duty and off-duty) with the Personnel Administration Bureau when the devices are purchased, obtained, sold, disposed of, lost, or stolen.

SHIFT PREPARATION AND SPARK TEST

All CEWs shall be marked to differentiate them from firearms and any other device as prescribed by the Department's Weapons Training Unit.

Personnel shall maintain their assigned or personally owned CEW in good working order:

- At the beginning of every shift, personnel shall remove the cartridge (if applicable) and conduct a spark test (display the electrical arc) to test the function of the CEW. Personnel shall complete this spark test in a safe manner and outside the presence of inmates. Completing a spark test in a safe manner means pointing the device in a safe direction and, if applicable, removing the cartridge and setting it down at least two inches from the device before starting the spark test.
- Personnel shall log the time of the spark test, the estimated remaining battery life, and the name of the employee conducting the spark test within the "Additional Information" section of the e-UDAL/UDAL.
- Personnel shall log any additional discharges of the CEW during the shift in the e-UDAL/UDAL and state the reason for the discharge (e.g., CEW successfully tested by Dep. Smith (#601010) at 1114 hours in the staff station re: new battery).

VERBAL AND VISUAL WARNINGS

Unless it would compromise the safety of personnel or is impractical under the totality of the circumstances, personnel shall give a verbal warning of the intended use of the CEW before activating the device in either

probe or drive stun mode in order to:

- Provide the inmate with a reasonable opportunity to voluntarily comply; and
- Provide other personnel and individuals with a warning that a CEW may be activated.

In addition to a verbal warning, and if it appears both reasonable and practical under the circumstances, personnel may display the electrical arc (spark test) as a visual warning in a further attempt to gain compliance. If the CEW is used in this manner, and the CEW is not later used upon an inmate, personnel shall verbally notify their immediate supervisor of the permanent rank of sergeant (or higher). That supervisor will determine whether the verbal or visual warning prevented a use of force and will document that prevention per CDM section 7-01/010.05, "Reporting Prevented Uses of Force."

Personnel shall document whether they did or did not give a verbal warning in any related reports. Clear articulation about why personnel did not give a verbal warning is required. Merely using phrases such as, "element of surprise was needed" or "for deputy safety" will not be considered sufficient articulation.

USING A CEW AGAINST AN INMATE

Personnel may only use a CEW on an inmate who is posing an immediate threat to themselves or others when the circumstances perceived by personnel at the time indicate the CEW application is objectively reasonable to control the inmate. It may be appropriate to use a CEW when an inmate:

- is violent; and/or
- has demonstrated, by words or actions, an intention to be violent, and reasonably appears presently capable of causing physical harm to themselves, Department personnel who approach within contact range, or others.

The use of a CEW on inmates in certain situations should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to Department personnel, the inmate, or others, and the Department member reasonably believes that the need to control the individual outweighs the risk of using the device. These situations include:

- Handcuffed inmates or inmates otherwise restrained unless the inmate is assaultive and presents an immediate threat of injury to a Department member or another person, and unless there are no other more reasonable means to control the inmate.
- Inmates detained in a police vehicle.
- Inmates in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- Inmates near flammable or combustible materials or fumes.
- Inmates near any body of water that may present a drowning risk.
- Inmates believed to have a cardiac pacemaker.
- Inmates on an elevated platform (e.g., bunk, staircase, ladder, wall, roof, ledge, walkway, balcony, etc.).
- Inmates believed to be pregnant, unless deadly force is justified.
- Inmates who appear infirm or with obviously low body mass; and/or
- Inmates with known medical conditions, which may be aggravated or affected by the use of a CEW.

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Each individual activation of the CEW must be in response to an immediate threat posed by the inmate. A subsequent activation may not be justified even seconds later if the immediate threat giving rise to the initial use of force has been eliminated and no other immediate threat is identified.

Depending on the placement of the probes, an inmate may not be able to physically respond to further instructions. A mere failure to respond to instructions is not sufficient justification for additional CEW discharges.

CEW exposure causes certain effects, including physiologic and metabolic changes, stress, and pain. According to the manufacturer, in some individuals the risk of death or serious injury may increase with cumulative CEW exposure. Repeated, prolonged, or continuous CEW applications may contribute to cumulative exhaustion, stress, cardiac, physiologic, metabolic, respiratory, and associated medical risks, which could increase the risk of death or serious injury.

Personnel should minimize repeated, continuous, or simultaneous exposures. Unless it would compromise the safety of personnel or is impractical under the totality of the circumstances, personnel must give the inmate a reasonable amount of time to recover from any application before activating it on the inmate again. The goal is to provide the inmate with a reasonable opportunity to consider the consequences of a refusal to comply with commands and allow for voluntary compliance.

If the CEW is not achieving its intended goal, other control techniques may be more appropriate as determined by the inmate's actions and/or threat level. In these cases, personnel are encouraged to transition to a different force option or tactic that may have better results.

When possible, personnel should avoid targeting the frontal chest area near the heart to reduce the risk of potential serious injury or death. According to the manufacturer, the preferred target areas on a subject's front are lower center mass (below the chest) and the preferred target areas on a subject's back are below the neck area. When feasible, back shots are preferable to front shots. Department members should make reasonable efforts to avoid hitting other sensitive areas (i.e., face, eyes, head, throat, breast, groin, genitals, or areas with a known pre-existing injury).

The CEW shall not be used in any mode as a means of pain compliance upon an inmate who is only passively resisting. An inmate is passively resisting when they offer no physical or mechanical resistance to low-level physical contact but refuse to act or respond to verbal directions to stand up or move.

Merely running away from a pursuing Department member, absent any additional circumstances or factors, is not a justified reason for the use of a CEW to apprehend the inmate.

Personnel who have discharged a CEW on an inmate shall request the response of a supervisor if a supervisor has not been previously requested or is not already on-scene.

MEDICAL EVALUATION AND TREATMENT

Personnel shall provide immediate first aid care, if needed, to an inmate who has been subjected to an application of CEW.

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Personnel shall monitor the inmate subjected to an application of a CEW and immediately summon paramedics or other qualified medical personnel if:

- The inmate is exhibiting signs of distress or otherwise appears to be in need of medical attention.
- The inmate was exposed to prolonged and/or multiple applications (i.e., more than 15 seconds for a prolonged application and any length of time for multiple applications);
- The inmate is suspected of being under the influence of controlled substances and/or alcohol.
- The inmate is believed to be pregnant.
- The CEW device probes are lodged in a sensitive area, (e.g., eye, groin, female breast, head, face, neck).
- The inmate requests medical treatment.
- The inmate exhibits extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain (sometimes called "agitated delirium" or "excited delirium"), or who require a protracted physical encounter with multiple personnel to gain control.
 - NOTE: When possible, medical personnel shall be summoned prior to the application of the CEW any time an inmate exhibits signs and symptoms of excited delirium.

Any inmate subjected to an application of a CEW, in either the probe or drive stun mode, shall be medically evaluated and/or treated at an appropriate medical facility and medically cleared for housing.

Personnel transporting or accompanying an inmate to an outside medical facility shall inform those providing medical care that the inmate has been subjected to an application of a CEW.

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from an inmate's body. Personnel shall treat used CEW probes as a "sharps" biohazard, similar to a used hypodermic needle, and use universal precautions when handling them.

Personnel shall document it in any related reports if they witness the refusal of medical attention by a person subjected to an application of a CEW.

EVIDENCE COLLECTION

In all cases where personnel have used a CEW in probe mode, personnel shall collect and submit into evidence the expended cartridge, along with both probes (after medical removal) and wire. Personnel shall collect these items whether or not the probes hit the person. In all such cases, personnel should cover the sharp end of the probe with cardboard or some other rigid material to prevent the probe from puncturing the evidence package, and clearly label the package with the word "SHARP" and "BIOHAZARD" (if the probes made contact with a person's skin or bodily fluids).

If practical, personnel shall photograph any embedded probes prior to medical removal. After medical removal of any probes, personnel shall take photographs of the probe strike locations and/or any marks resulting from a drive stun.

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Personnel shall photograph any probes lodged in clothing or inanimate objects as well as any deflection/ricochet marks.

Personnel shall note the serial number in their reports of any cartridges booked into evidence.

Personnel should handle misfired cartridges (where the probes have not deployed after activation) with care and package them in a rigid container to prevent an accidental discharge.

CONTENT OF REPORTS

The following information shall be included in the incident report (SH-AD-49) and/or related reports:

- Date, time, and location of incident.
- The number of activations, the duration of each cycle, and the duration between activations.
- The estimated distance between the inmate and Department personnel when the CEW was activated, and where the inmate ended up after activation.
- The type of mode (probe or drive stun).
- Location of any probe impact.
- Location or area of the body where personnel applied the drive stun mode.
- Description of where missed probes went, if applicable.
- A description of the medical evaluation and/or treatment.
- Whether the inmate sustained any injuries.
- Whether any Department personnel sustained any injuries.
- Date, time, and identity of the person who downloaded the data from the CEW; and
- Efforts made to de-escalate prior to use of the CEW.

The policies and procedures outlined in this directive shall remain in effect until the concerned CDM section is revised and/or this directive is rescinded.

Questions regarding this directive should be directed to Custody Support Services Bureau at (213) 893-5102.

Revised: 5/18/2022
